

Visual Law



This picture was kindly given to me by the activists of Wake Up-Italia, an organization of Italian young adults who live in London. The placards which the march participants display call for legal reforms in Italy—the legal framework concerning sexual orientation and gender identity is rather limited in Italy and leaves LGBTI people without appropriate protection. Although in 2016 the Italian Parliament approved a law on same-sex civil unions (Law 76/2016) this reform, among other shortcomings, does not extend parenting rights to same-sex partners, does not grant rights to full adoption for them, provides dissolution of different-sex marriage when one of the partners changes their legal gender and the parties do not agree to the downgrading of the marriage to civil union, and overall does not define same-sex unions as family. But the limits and lacunae of the Italian legal framework also go beyond family life. Thus, law protecting against homophobia, biphobia and trans-phobia is not yet in place; the law on gender recognition is significantly invasive of individual autonomy as it requires court proceedings; intersex children are subject to reparative surgeries; relationships and sex education are absent from primary and secondary schools; and there is no attention given to the needs and rights of LGBTI children. The reasons for the poor legal framework are several and cannot be addressed here. However, in my view a key explanatory factor of the above limited attention to sexual orientation and gender identity is that, historically, legal developments concerning the family and the individual have proceeded at a rather slow pace in order to serve broader economic, political-party and religious interests. A strong patriarchal approach has characterized legal developments in Italy where the focus has not been on the individual *per se*—or at least not on all individuals—but rather on the individual as part of specific social groupings, and this contributes to preserving patriarchal norms and values.

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